UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,))
VS.) Case No. 4:16 CR 125 CDP-1
REUBEN STEWART,)
Defendant.)

MEMORANDUM AND ORDER

On June 28, 2021, I granted defendant Reuben Stewart a significant reduction in sentence under 18 U.S.C. § 3553(a), reducing his sentence from 180 to 120 months. (Doc. 92). Now, Stewart asks that I reconsider his request to reduce his sentence to time served, arguing that the fact that he refused the COVID-19 vaccination when offered should not preclude his immediate release.

The motion for reconsideration will be denied. As my Memorandum and Order reducing his sentence makes clear, I concluded that Stewart's medical conditions alone did not constitute extraordinary and compelling reasons for immediate release. (Doc. 92). That determination was not based on Stewart's vaccination status, but rather on the fact "Stewart actually did contract COVID-19 at FCI Oxford in October 2020 and was considered fully recovered within twelve days after diagnosis." (Doc. 92). As I explained, "there were no entries in his

medical records indicating serious symptoms or complications. Accordingly, while in theory Stewart's health conditions could make him more susceptible for becoming seriously ill, the reality is that they did not." (Doc. 92). I also noted that Stewart receives medication for his hypertension, an epinephrine pen for serious allergic reactions, and "appropriate monitoring and management of his chronic conditions from the Bureau of Prisons through routine medical check ups, outside medical visits, laboratory testing, medication monitoring, and health care counseling and education." (Doc. 92). Although I noted that Stewart refused the vaccination due to a potential for allergic reaction as part of his medical records, Stewart's medical conditions alone, regardless of his vaccination status, simply do not present extraordinary and compelling reasons for immediate release. I continue to believe that Stewart's medical conditions, when considered in combination with all relevant factors, do not present extraordinary and compelling reasons to immediately release Stewart, and nothing in Stewart's motion for reconsideration convinces me that my decision to reduce his sentence, rather than release him, was erroneous.

Accordingly,

IT IS HEREBY ORDERED defendant's motion for reconsideration [95] is denied.

Catherine D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 10th day of July, 2021.